

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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|-----------------------|---|---------------------|
| CARSON OPTICAL, INC. |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO. |
| |) | 7:07-CV-08020 (SCR) |
| v. |) | |
| |) | |
| TELEBRANDS CORP., and |) | |
| WALLET LIGHT USA, LLC |) | |
| |) | OCTOBER 5, 2007 |
| Defendants. |) | |

PLAINTIFF’S ANSWER TO DEFENDANT’S COUNTERCLAIM

Plaintiff Carson Optical, Inc. (“Carson”) by its undersigned counsel hereby answers the Counterclaim of Telebrands Corporation (“Telebrands”) and Wallet Light USA, LLC (“Wallet Light”) (hereinafter collectively referred to as “Defendants”) as follows:

JURISDICTION AND VENUE

1. Plaintiff admits that Paragraph 1 alleges a cause of action under the Patent laws of the United States. Plaintiff admits that the Court has subject matter jurisdiction.
2. Plaintiff admits that venue is proper in the Southern District of New York.

THE PARTIES

3. Plaintiff lacks sufficient knowledge to make a determination as to the truth and veracity of the allegations contained in Paragraph 3 and, therefore, leaves the Defendants to their proof.

4. Plaintiff lacks sufficient knowledge to make a determination as to the truth and veracity of the allegations contained in Paragraph 4 and, therefore, leaves the Defendants to their proof.

5. Plaintiff admits the allegations contained in Paragraph 5.

FACTUAL ALLEGATIONS UNDERLYING THE COUNTERCLAIM

6. Plaintiff admits that on or about May 20, 2003, the United States Patent and Trademark Office issued U.S. Patent No. 6,565,232 B1, entitled “Apparatus Having Magnifying, Illuminating and Mirroring Attributes” (“the ‘232 Patent”), in the names of Steven H. Goldstein, Carol D. Goldstein, Mary Margaret Jelava-Risley and William Buell Risely. It is further admitted that a copy of the ‘232 Patent was attached to Plaintiff’s Complaint for declaratory judgment. All remaining allegations are denied.

7. Plaintiff lacks sufficient knowledge to make a determination as to the truth and veracity of the allegations contained in Paragraph 7 and, therefore, leaves the Defendants to their proof.

8. Plaintiff lacks sufficient knowledge to make a determination as to the truth and veracity of the allegations contained in Paragraph 8 and, therefore, leaves the Defendants to their proof.

9. Plaintiff admits that it manufactures, advertises, offers for sale and sells a MagniCardTM branded magnifier in this Judicial District and elsewhere in the United States. All remaining allegations are denied.

10. The allegations contained in Paragraph 10 are denied.

11. The allegations contained in Paragraph 11 are denied.

12. The allegations contained in Paragraph 12 are denied.

FIRST AFFIRMATIVE DEFENSE

The '232 Patent is invalid for anticipation pursuant to 35 U.S.C. § 102.

SECOND AFFIRMATIVE DEFENSE

The '232 Patent is invalid for obviousness pursuant to 35 U.S.C. § 103.

THIRD AFFIRMATIVE DEFENSE

The '232 Patent is invalid for indefiniteness pursuant to 35 U.S.C. § 112.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff does not infringe any valid and properly construed claim of the '232 Patent.

Respectfully submitted,

CARMODY & TORRANCE

Dated: October 5, 2007

By: /s/ Fatima Lahnin
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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2007, a copy of the foregoing document **PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIM** was filed electronically using the CM/ECF system. Notice of this filing will be sent to the following counsel of record for the interested parties by operation of the Court's electronic filing system and by first class mail as follows:

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